

922 KAR 1:520. High-risk supplement for resource homes.

RELATES TO: KRS 2.015, 199.011(4), 200.115(1), 600.020(8), 605.120(2), 610.110(6), 620.020(1), 620.140(1)(d), 42 U.S.C. 672

STATUTORY AUTHORITY: KRS 194A.050(1), 605.120(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 605.120(2) requires the cabinet to establish a reimbursement system, within existing appropriation amounts, for foster parents that comes as close as possible to meeting the actual cost of caring for foster children, and to address additional costs associated with providing care to children with exceptional needs. In addition, *Olmstead v. L.C. and E.W.*, 119 S. Ct. 2176 (1999), held that unnecessary institutionalization of a person with a disability may be a violation of the Americans with Disabilities Act of 1990, 3 U.S.C. 421 and that, given certain exceptions, services should be delivered in the most integrated setting appropriate to the treatment needs of a person with a disability. This administrative regulation establishes the requirements for a resource home parent to receive a high-risk supplement reimbursement, to the extent funds are available, for extraordinary care the parent provides to a child with exceptional needs who is in the custody of the cabinet.

Section 1. Definitions. (1) "Case permanency plan" is defined by KRS 620.020(1).

(2) "Child" is defined by KRS 199.011(4), and 600.020(8), and may include:

(a) An extension or reinstatement of commitment in accordance with KRS 610.110(6) or 620.140(1)(d); or

(b) A child who meets the exceptions to the age of majority in accordance with KRS 2.015.

(3) "Crisis" means a factor or set of factors that:

(a) Jeopardizes a child's placement in a resource home; and

(b) Creates a risk for removal of the child from the resource home to a more restrictive setting, including institutionalization.

(4) "Exceptional needs" means the needs of a child:

(a) As specified in Section 2(1) and (2) of this administrative regulation; and

(b) Reimbursed in accordance with KRS 605.120(2).

(5) "Extraordinary care" means services:

(a) Provided to a child with exceptional needs and in the custody of the cabinet; and

(b) That exceed a regular per diem, as established in 922 KAR 1:350, Section 13.

(6) "Family team meeting" means a meeting convened to develop a child's case permanency plan to successfully attain the desired outcomes for the family in accordance with Section 2(1)(d) of this administrative regulation.

(7) "High-risk supplement" means a reimbursement to a resource home parent that is necessary to cover an additional expense associated with the provision of extraordinary care.

(8) "Resource home" means a home in which a parent is approved by the cabinet in meeting the foster care, adoption, or respite care requirements of 922 KAR 1:350.

(9) "Transition" means the period of a child's adjustment from a more restrictive out-of-home care placement to a resource home.

Section 2. Eligibility. (1) The cabinet shall consider a child eligible for a high-risk supplement if:

(a) 1. Community resources meet the child's needs; and

2. The child requires services consistent with Level IV and Level V care established in 922 KAR 1:360, Section 4;

(b) The child is placed in a medically-fragile, specialized medically-fragile, or care plus resource home in accordance with 922 KAR 1:350;

(c) A child has a need for extraordinary care due to a:

1. Transition; or
2. Crisis;
- (d) A family team meeting is held to:
 1. Develop a "DPP-111B, Service Supplement Assessment"; and
 2. Include the following individuals:
 - a. Designated regional cabinet staff;
 - b. Family members, including the child or a sibling;
 - c. Family friends;
 - d. Community partners;
 - e. Resource home parents; or
 - f. Other individuals requested by the family or cabinet staff; and
- (e) The resource home parent agrees to maintain a monthly log of the services provided to the child for the length of the high-risk supplement.
- (2) If a child is approved to receive the high-risk supplement:
 - (a) Designated regional cabinet staff shall develop an addendum to the child's case permanency plan that includes specific services and their timeframes for the child; and
 - (b) The child's resource home parent shall complete monthly logs of the child's extraordinary care.

Section 3. Per Diem. To the extent funds are available, the cabinet shall reimburse a resource home parent for the extraordinary care provided to a child with exceptional needs.

- (1) A high-risk supplement shall be:
 - (a) A standardized per diem specified in a contract between an approved resource home parent and the cabinet; and
 - (b) Made to a resource home parent for a period up to six (6) months if criteria in Section 2 of this administrative regulation are met.
- (2) Extensions to the high-risk supplement may be granted, in six (6) month intervals, if:
 - (a) The child is reassessed by the cabinet or its agent and meets the eligibility requirements of Section 2(1)(a) through (c), and (e) of this administrative regulation; and
 - (b) A family team meeting is held prior to the extension to:
 1. Review progress made in the child's current case permanency plan addendum, to include a review of the resource home parent's monthly log of the child's extraordinary care; and
 2. Complete a new "DPP-111B, Service Supplement Assessment".
- (3) If the child's high-risk supplement is extended:
 - (a) Designated regional cabinet staff shall develop a new addendum to the child's case permanency plan that includes:
 1. Specific services and their timeframes for the child; and
 2. Services through the period of the extension granted; and
 - (b) The child's resource home parent shall complete monthly logs of the child's extraordinary care.
- (4) Respite care shall be based on the individual needs of the child, in accordance with 922 KAR 1:350, Section 13(5).

Section 4. Reassessment. (1) If a resource home parent cares for a child with exceptional needs and currently receives a foster care services supplement, the child shall be reassessed:

- (a) When the current foster care services supplement expires; and
 - (b) To determine if the eligibility requirements are met in accordance with Section 2 of this administrative regulation.
- (2) If the child or resource home parent does not meet eligibility requirements in accordance with Section 2 of this administrative regulation, designated regional cabinet staff may provide supportive services to the child and resource home parent.

(3) If a child deemed eligible for the high-risk supplement is relocated to another resource home or out-of-home placement, the cabinet:

(a) Shall cease reimbursement of the high-risk supplement to the child's previous resource home parent; and

(b) May reconsider the child for the high-risk supplement, if criteria outlined in Section 2 of this administrative regulation are met.

Section 5. Record-keeping. Designated cabinet staff shall:

(1) Track a recipient receiving a high-risk supplement; and

(2) Notify the designated regional cabinet staff of an impending contract expiration one (1) month prior to the expiration of the supplement.

Section 6. Service Appeals. A resource home parent may request an appeal in accordance with 922 KAR 1:320.

Section 7. Incorporation by Reference. (1) "DPP-111B, Service Supplement Assessment", edition 09/05, is incorporated by reference.

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